



17.

Records Management Policy and Procedures

KTCJY-39-10

EXHIBIT "A"

KAYENTA TOWNSHIP RECORDS MANAGEMENT POLICIES AND PROCEDURES



**Prepared and Submitted by
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**Kayenta Township Commission
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KAYENTA TOWNSHIP COMMISSION RECORDS MANAGEMENT POLICIES AND PROCEDURES

INTRODUCTION

Records Management Office has the responsibilities to initiate, develop and implement records management policies and procedures. The purpose of the policies and procedures is to provide guidance and internal control of records that are created and received by the Kayenta Township Municipal Government. The management system will also provide guidance, reliability, efficient, accessible and safe guard of records.

In general, Township is responsible for making and keeping records of their work, Township have three (3) basic obligations regarding the Township records as follows.

- Create Records to do the business of the Township and administer those records thereof.
- Security Care of Records so that information can be found when needed. Set up good directories and files and filing records on a timely fashion in a manner that allows them to be safely stored and efficiently retrieved.
- Retention and Disposition in maintaining and monitoring records until such records is ready to be destroyed or archived.

GOALS AND OBJECTIVES

- Maintain a safe environment for records
- To preserve and enhance the system
- Administer services efficiently
- Provide professionalism in service delivery
- Concern of productive use of available resources
- Openness and responsiveness to customer/community

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100. AUTHORIZATION

101. Pursuant to 26 N.N.C., Section 101(A), The Kayenta Township Commission in compliance with principles of the Local Governance Act will adopt and operate under a Five Management System to ensure accountability. Accordingly, The Kayenta Township Commission shall also develop policies and procedures for the Five Management System consistent with applicable Navajo Nation Law.
102. Pursuant to Title 2 Navajo Nation Government, Chapter 1 Establishment, Subchapter 4 Privacy and Access to Information, the Kayenta Township Commission hereby be consistent to and be compliance with the Navajo Nation Privacy Act.
103. Pursuant to the Kayenta Township Commission Resolution #XXXX, the Records Management and Procedures Policies are hereby approved.

200. PURPOSE AND SCOPE OF POLICY

201. To set forth the authority, principles and procedures governing the creation, classification, maintenance, retrieval, disposal and safeguard of the Kayenta Township Commission records management; and prescribes the KTC Staff are Administration administrative functions and the Kayenta Township Commissioner's oversight function.
202. The general principles of this policy are applicable to all employees and members of Kayenta Township, including Kayenta Township Commissioners who will monitor to ensure that records management is maintained and that this policy is enforced.

300. AMENDMENTS

301. Any amendments to the Records Management Policies and Procedures may be recommended by any of the Kayenta Township Staff or Kayenta Township Commissioner for review by the Township Manager. All proposed amendments would be presented at a regular Commission meeting.

400. GENERAL STATEMENT OF POLICIES

401. All Kayenta Township Commission records are public information except those that are specifically defined as protected records by the Navajo Nation Privacy and Access to Information Act.
402. The control and management of all Kayenta Township records shall be properly segregated to insure that employees are not in the position to handle all aspects of records control.
 1. All Kayenta Township Commission records shall be complete, kept current and kept at the Kayenta Township Records Office at all times under lock and key in a filing cabinets.
 2. All Kayenta Township Commission records and property shall be made available upon request to the Kayenta Township Records Office.
 3. No personnel records shall be removed or destroyed without proper documentation or authorization from the Town Manager and Records Manager.
 4. Kayenta Township Commission shall ensure compliance with the Navajo Nation Privacy and Access to Information Act, and other applicable Navajo Nation laws, rules, regulations, policies and procedures.

5. The Kayenta Township Commissioners and administrative staff shall understand that Kayenta Township Commission records are the property of the Kayenta Township.
6. Confidential Records shall be protected at all times. Confidential records are protected records that contain data on persons or government entities in private or otherwise protected pursuant to Navajo Nation Privacy Act. The records includes, but not limited to any and all records of the Township that have been created, developed, discovered, disclosed to , or received by or on behalf of Commission, staff and employees.
7. The Kayenta Township Commission shall ensure records that have reached the end of their retention period be properly authorized for destruction.

500. GENERAL DUTIES AND RESPONSIBILITIES KAYENTA TOWNSHIP STAFF AND COMMISSIONERS

501. The Records Manager will be responsible for:

- 501a. The inventory of all Township records
- 501b. Keeping all Township records complete and current at all times.
- 501c. The maintenance and safeguarding of all Township records by securing the file cabinets with a lock/key.
- 501d. Accessing and retrieving Township records by authorized request or court order and for inspection.
- 501e. Labeling all Protected Records as CONFIDENTIAL.
- 501f. Obtaining approval from the Town Manager for retrieval of confidential records.
- 501g. Performing back up of records on a bi-weekly basis by updating to the Computer Server set up as the Township Records Automatic Records System (OnBase).

502. Kayenta Township Town Manager will be responsible for:

- 502a. The creation, classification, retention, protection, retrieval and disposal of all Township records.
- 502b. The preparation of retention schedule for Township records.
- 502c. The documents and preparation of all written reports to the Kayenta Township Commissioners concerning any damages or accidental loss of Township records.

503. The Kayenta Township commission Responsibilities:

- 503a. Annual report may be reported to the Commission on a timely basis regarding compliance issues.

600. FILES

601. It shall be the policy of the Kayenta Township Commission to maintain a complete and updated permanent filing system that will enable records to be easily accessed and retrieved. Refer to Section 8 of this policy manual for accessibility and retrieval process.

602. The following types of filing methods, with a guide, to identify each section for ease of accessibility will be applied:

- a. Alphabetical – filed alphabetically
- b. Geographic - filed alphabetically according to location and/or address
- c. Numerical - filed by an assigned number
- d. Subject - filed alphabetically according to subject
- e. Chronological – filed by time or date.

700. CLASSIFICATION OF RECORDS

701. The Kayenta Township Records Office shall maintain a classification of all records to ensure confidentiality of certain records and documents be safeguarded in compliance with the Navajo Nation Privacy and Access to Information Act, 2 N.N.C., Sections (s) 84, 85.

701a. All inventory documentation of Kayenta Township Commission records shall include date of record, description, location, retention period and disposal date.

702b. The Kayenta Township Commission records shall be classified according to their importance and categorized in the Kayenta Township files.

702. Protected Records – Confidential Records that contain data on persons or governmental entities that is private or otherwise protected as provided by 2 N.N.C. Section 85, of the Navajo Nation Privacy and Access to Information Act. These records cannot be replaced and are valuable to the Kayenta Township; and should be kept on file and permanently stored. They are, but not limited to the following:

- i. Township Residents
- ii. Personnel Files
- iii. Client assistance listing and information (financial, housing veterans, senior citizens),
- iv. Emergency, etc. (hospital data, death certificate, etc)
- v. Kayenta Township contracts
- vi. Employee payroll records

703. Essential Records – Records that characterizes and identifies the Kayenta Township; and are essential for full operation of the Kayenta Township government. These records cannot be replaced and are valuable to the Kayenta Township; and should be kept on file and permanently stored. They are, but not limited to the following:

- i. Kayenta Township Ordinances
- ii. Kayenta Township Plan of Operation
- iii. Kayenta Township Master Land Use Plan
- ix. Kayenta Township Profile
- v. KTC and Other related Resolutions
- vi. Deeds and Legal Documents
- vii. Real Estate Documents
- viii. Property Inventory Listings, Records (buildings, equipment, records)
- ix. Municipal and Administrative Policies and Procedures Manual.

704. Important Records – Records that are of great value and importance to the Kayenta Township government. These records shall be kept on file and stored for a minimum period of five (5) years. They are, but not limited to the following:

- i. Financial records (bank statements, ledgers, reports, requisitions, etc.)
- ii. Audit reports
- iii. Planning and regular Kayenta Township meeting agendas and minutes.

705. Useful Records – Records used and store by the Kayenta Township for information of previous activities and projects. These records have some significant values but may cost considerably to replace if lost or misplaced. These records shall be filed and stored for a minimum period of two (2) years. They are, but not limited to the following:

- i. Correspondence (administrative letters and memos)
- ii. Forms (financial and administrative forms)
- iii. Logs (phone, mail, activities, etc)
- iv. Resale Inventory Records

706. Non-essential Records – Records of no value to the Kayenta Township operation. Once their useful purpose has been fulfilled they can be destroyed. They are, but not limited to the following:

- i. Publications
- ii. Flyers, bulletins
- iii. Junk mail
- iv. Internal Office memos

800. ACCESSIBILITY AND RETRIEVAL

801. It shall be the policy of Kayenta Township Commission that all Kayenta Township records are public information for public access upon request, except those records that are specifically defined and treated as protected pursuant to 2 N.N.C., Section 85 of the Navajo Nation Privacy and Access to Information Act.

802. No Personnel Record or other confidential documents shall be duplicated without written permission from the individual whose record(s) is to be duplicated. However, the personnel records may be disclosed in compliance with a lawful investigation or subpoena.

803. Procedures for accessing Public Records:
Upon request, the Kayenta Township Commission administration will make available for disclosure, protected records as follows:

- i. The requesting party shall complete a Kayenta Township Commission Request Kayenta Township Records form with the Administrative Assistant.
- ii. Any person making the request for a record shall complete a Kayenta Township Commission Request for Kayenta Township Records or Documents form containing title of record or document(s), purpose,
- iii. Requested by, date, mailing address and telephone number pursuant to Section X, Exhibit A.
- iv. The requesting party will be responsible for reproduction cost or may examine the records at the Kayenta Township Commission Administration under the supervision of a staff member.

804. Procedures for accessing Protected Records:

Upon request, the Kayenta Township Administration will make available for disclosure, protected records as follows:

- i. All requests for Kayenta Township documents will be made to the Administrative Assistant.
- ii. Any person making the request for a record shall complete a Kayenta Township Commission Request for Kayenta Township Records or Documents form containing, title or records or document(s), purpose, requested by, date, mailing address and telephone number pursuant to Section X, Exhibit A.
- iii. The Administrative Assistant will explain the policy regarding protected records, and submit the request to the Town Manager.

- iv. The Town Manager will be responsible for assuring the information or records requested meet following conditions:

(1). The information shall be available for criminal and civil law enforcement for prosecution purposes, internal audit, as a result of a court order, to further an individual's medical treatment, and to address public health needs.

(2). The information relating to an individual shall be available to the individual who is the subject of the record, or if a minor, shall be available to the parent or guardian.

(3). Individual records may be released to third parties with a written permission, by means of a notarized release, of the individual who is the subject of those records, if a minor, his or her parents or legal guardian.

(4). Individual records may be used for statistical and other purposes provided that any information, which could be used to identify the individual specifically, is removed or withheld.

(5). The Town Manager/Records Manager shall obtain evidence of the requestor's identity.

Before releasing a protected record, the Town Manager shall inform the requestor that he or she is prohibited from disclosing or providing a copy(s) of the protected record(s) to any other person and shall obtain the requestor's written acknowledgement of this prohibition.

Within ninety (90) days, the Town Manager shall respond to the request by:

~Approving the request and providing the records.

~Denying the request by providing a written explanation of why the record(s) are protected from disclosure. In making such determinations, the Town Manager shall consult with the Kayenta Township Commissioners and the Navajo Nation Department of Justice for advice and assistance.

~Notifying the requestor that it does not maintain the record(s) and providing, if known, the name and address of the governmental entity that does maintain the record.

(6). Upon approval of the request, the requesting party may receive copies of records any applicable fees will be paid to Administrative Assistant or may examine the records at the Kayenta Township Administration Office under the supervision of Kayenta Township Administration staff members. Any reproduction cost will be the responsibility of the requesting party.

900. DENIAL AND APPEAL

901. The Kayenta Township Commission recognizes that the general public be provided a means to access records and information relating to the operation of its government while preserving the privacy interest of individuals and entities. Therefore, Kayenta Township Commission will deny access to information in the record if the information is exempt from disclosure to the requestor, issuing a notice of denial as provided in 1 N.N.C., Section 89 of the Navajo Nation Privacy and Access to Information Act.

902. If the request for protected records is denied, in whole or in part, the Town Manager shall provide notice of denial to the requestor either in person or by sending the notice to the requestor's address.

903. The notice of denial shall contain the following information:

903a. A description of the record or portions of the record to which access was denied, provided that the description does not disclose protected information.

903b. Court rule or order, state or federal statute or regulation that exempt the record or portions of the record from disclosure, provided that the citation does not disclose protected information.

903c. A statement that the requester has the right to make an application to the Navajo Nation District Court for an order releasing the record and the time limits for filing the application.

903d. Unless otherwise required by a court of competent jurisdiction, Kayenta Township Commission may not destroy or give up custody of any records to which access was denied until the period for a court appeal has expired, or the end of the appeal process.

904. In the event Kayenta Township Commission determines that the requested record is protected from disclosure or fails to respond to the request within ninety (90) day period. The requesting party may make an application to the Navajo Nation District Court, as defined in 7N.N.C. Section 253, in accordance with the proper processes of the Court for an order compelling the release of the record.

904a. This application must meet the notice and filing requirements of the Navajo Nation Sovereign Immunity Act, 1 N.N.C., Section 551 et.seq.

904b. Any person who may have an interest in maintaining the confidentiality of the record may appear and demonstrate the need for maintaining the confidentiality of such records.

1000. PROTECTION AND BACKUP OF PUBLIC AND PROTECTED RECORDS

a. All essential, useful, important records shall be preserved by a backup document in case of damage or accidental loss. It shall be the responsibility of the Administrative Assistant to perform backup procedures on a bi-weekly basis; and the Town Manager will authorize access to the back up system if needed.

1002. The backup and protection mechanism will be applied in any of the following methods:

1002a. Records will be scanned and stored on Township electronic records management.

1002b. Records will be photocopied and stored at a separate, secured location.

1002c. Records stored on microfiche at a separate and secured location.

1002d. Backup records stored on computer disks at a separate and secured location.

1003. Damage or Accidental Loss of Records.

1003a. The Town Manager shall document by written report to the Kayenta Township Commissioners, any damage or accidental loss of essential records. Proper authorities shall be notified immediately.

1003b. Every effort will be made to replace the public or protected records from the backup source as soon as possible.

1003c. Kayenta Township Commission funds will not be used to cover cost of replacing lost records. Cost of lost records will be the obligation of the responsible individual.

1003d. Due to unforeseen circumstances, replacement of records will be the responsibility of the Kayenta Township Commission.

1100. DISPOSAL

1101. It shall be the policy of Kayenta Township Commission to classify inactive and historical files according to their importance and establish the retention period, disposal and transfer to adequately secured storage area.

1101a. Transfer Procedures for Inactive Records:

- i. The Administrative Assistant will be responsible for keeping all records complete and current at all times by reviewing the records inventory list to assure those records that have reached their retention period are brought to the Town Manager's attention and request for transfer.
- ii. The Kayenta Township Manager will authorize the Administrative Assistant to transfer those records, after consulting with the Kayenta Township Commissioners.
- iii. The Administrative Assistant will transfer all inactive records to a storage area separate from the Kayenta Township Records Office that is properly secured to ensure adequate safekeeping.
- iv. The Administrative Assistant will label all storage boxes as protected, essential, useful, and important records for easy accessibility and retrieval if necessary pursuant to Section VII, (C).
- v. The Town Manager will be authorized to have direct access to inactive files in storage.

1101b. Disposal Procedures:

- i. The Administrative Assistant will be responsible for keeping all records complete and current at all times by reviewing the records inventory list to assure those records that have reached their retention period are brought to the Town Managers attention and request for disposal.
- ii. The Town Manager, in consultation with the Kayenta Township Commissioners will authorize the Administrative Assistant to destroy those records, by shredding and that those records are removed from the records inventory list.
- iii. The Town Manager will monitor all disposals of records.
- iv. All remaining inactive records will be stored in an adequately secured storage area separate from the Kayenta Township Records Office during their retention period.
- v. The retention period for all inactive records in storage will be pursuant to Section IV, (1).

1200. DEFINITIONS

The language contained in this section applies generally to this policy manual except as otherwise provided elsewhere in the Kayenta Township's Municipal and Administrative Policies and Procedures.

1201. Protected Record means any record containing data on persons or governmental entities that is private or otherwise protected as provided by 2 N.N.C. Section 85, et.seq., of the Navajo Nation Privacy and Access to Information Act.

1202. Public Record means any record that is not private or otherwise protected and that is not exempt from disclosure as provided in 2 N.N.C. Section 84, et.seq. of the Navajo Nation Privacy and Access to Information Act.

1203. Record means all books, letters, documents, papers, maps, plans, photographs, films, cards, tapes, recordings, electronic data, or other documentary materials regardless of physical form or characteristics which are prepared, owned, received, or retained by Kayenta Township Commission and where all of the information in the original is reproducible by photocopy or other mechanical or electronic means.

Record does not mean:

1. Materials that are legally owned by an individual in his private capacity.
 2. Materials to which access is limited by the laws of copyright or patent is owned by Kayenta Township Commission.
 3. Books and other materials that are cataloged, indexed, or inventoried and contained in the collections of library open to the public.
 4. Daily calendars and other personal notes prepared by the originator for the originator's personal use or for personal use of an individual for whom he/she is working.
 5. Computer programs that are developed or purchased by Kayenta Township Commission for its own use.
1204. Right to Privacy means the right of a person to be free from unwarranted intrusion by a governmental unit.

**RESOLUTION OF THE
KAYENTA TOWNSHIP COMMISSION**

**Adopting and Approving the Records Management Policy and Procedures for the Kayenta
Township Commission and Administration**

WHEREAS:

1. The Kayenta Township Commission ("KTC") has the general authority and responsibility to govern for the welfare of the Kayenta Township ("Township") and its residents, including the enactment of such ordinances, rules and regulations as it deems in the best interest of the Township; and
2. The Township is empowered to adopt rules and regulations as may be necessary to effectively and efficiently operate the Township operations and to be in compliance with the Navajo Nation and Federal Laws applicable to all records management system rules and regulations; and
3. The Township Records Management Policy and Procedures (Policy) is designed to provide guide, safe guard, accessibility, reliability and prevents unethical violations of records and to appropriately use the policy as guidance in following all practices and protocols hereby attached as Exhibit A; and
4. The Commission and Township Administration reviewed and discussed the Policy at a work session on April 02 & 03, 2010 and considered it to be in the best interest of the Township.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Kayenta Township Commission hereby adopts and approves the Records Management Policy and Procedures, attached hereto as Exhibit "A" and incorporated herein by reference, to be effective immediately.
2. The Kayenta Township Commission hereby authorizes the Town Manager and Management to modify and amend the Policy from time to time to be in compliant with all applicable laws relevant to the records management.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Kayenta Township Commission at a duly called meeting in Kayenta, Navajo Nation (Arizona), at which a quorum was present and that same was passed by a vote of 4 in favor, 0 opposed, and 0 abstained, this 12th day of July, 2010.

Motion: Commissioner Greyeyes
Second: Commissioner Todecheene

KAYENTA TOWNSHIP COMMISSION


Helen Bonnaha, Chairperson